



Development Review Board

A G E N D A

December 18, 2009 ■ 8:30 am

Committee Room

Second Floor, City Hall

- I. Call to Order**
- II. Adjustments to the Agenda**
 - Items for Consideration**
 - 1. Consent Items**
 - a. UDO Items**
 - 1a.1 D0900197 Epworth UM Church Parking Minor Site Plan
 - b. Zoning Ordinance Items**
 - None
 - 2. UDO County Items**
 - None
 - 3. UDO City Items**
 - 3.1 D0900055 Croasdaile Plaza Renovations Minor Site Plan
 - 3.2 D0900099 Family Fare Redevelopment Simplified Site Plan
 - 4. Zoning Ordinance County Items**
 - None
 - 5. Zoning Ordinance City Items**
 - None
 - 6. Other Items**
 - None
- IV. Adjournment**

Notice Under the Americans with Disabilities Act

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Stacey Poston, ADA Coordinator, Voice: 919-560-4197 x21254, TTY: 919-560-1200; stacey.poston@durhamnc.gov, as soon as possible but no later than 48 hours before the scheduled event.

Staff Contact: Teri Danner, Planning Supervisor
919.560.4137 x28246 □ teri.danner@durhamnc.gov

Development Review Board - Case Action Form

Item No: 1a.1

CASE SUMMARY		Meeting Date: 12/18/2009			
Project Name:	EPWORTH UNITED METHODIST- PARKING EXPANSION				
Application For:	MINOR SITE PLAN				
Location:	3002 HOPE VALLEY ROAD				
Applicant:	Haden Stanziale EPWORTH UNITED METHODIST				
Case #:	D0900197	PIN: 0810-08-97-7883			
Project Scope:	ALTERNATIVE SIDEWALK, DUMPSTER, 30 FOOT BUFFER, ADDITIONAL 28 PARKING SPACES ON 3.48 ACRES				
Resource Person:	SHB	Zoning Dist. RS-10		Overlay Dist.	
DRB MEMBERS:	Eligible to Vote	Present		M/S	Vote
Number Needed For Quorum: 6		Yes	No		Yes No
Bike/Ped Commission	<input checked="" type="checkbox"/>				
City/County Inspections	<input checked="" type="checkbox"/>				
City/County Planning	<input checked="" type="checkbox"/>				
City Engineering	<input checked="" type="checkbox"/>				
DOST Commission	<input checked="" type="checkbox"/>				
N.C. DOT	<input checked="" type="checkbox"/>				
Planning Commission	<input checked="" type="checkbox"/>				
S + E Control	<input checked="" type="checkbox"/>				
Transportation	<input checked="" type="checkbox"/>				
City Stormwater	<input checked="" type="checkbox"/>				
County Stormwater	<input type="checkbox"/>				
Action Taken:					
Meeting Comments/Conditions					
1. Sec. 12.4.2 Sidewalk cost proportionality request- Approved alternate sidewalk amount and location along Hope Valley Road on 11/6/2009 DRB 2. Approval of minor special use permit by BOA on 12/9/2009 3. Site plan					

CITY/COUNTY OF DURHAM
ORDER GRANTING, UPON CERTAIN CONDITIONS,
A MINOR SPECIAL USE PERMIT FOR
A PLACE OF WORSHIP
Epworth United Methodist Church Parking Expansion (B0900033)
2811 University (a.k.a. 3002 Hope Valley Road)
PIN: 0810-12-97-7734

The Board of Adjustment ("Board") of the City/County of Durham, having conducted a hearing on "Epworth United Methodist Church Parking Expansion" (B0900033) on December 9, 2009, and having considered all written and oral evidence presented at such hearing, hereby determines that the Ordinance requirements for the granting of a minor special use permit in this case have been met, and that the Use Permit should be granted upon certain conditions.

THE BOARD HEREBY MAKES THE FOLLOWING FINDINGS AND CONCLUSIONS, based on the evidence presented at the public hearing:

The proposed use, as described in the application, with such further conditions as may be described below, meets the requirements of Section 3.9 of the Unified Development Ordinance, and:

1. Is in harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. Conforms with all general and special requirements applicable to the use (including but not limited to Section 5.3.3I of the Unified Development Ordinance), and the Review Factors identified in Section 3.9.8B;
3. Will not adversely affect the health or safety of the public.

IN SUPPORT OF THESE FINDINGS AND CONCLUSIONS, THE BOARD finds as fact that the descriptions and statements of fact set forth in the staff report presented as evidence to the Board are the facts describing the proposed use, surrounding conditions, and ordinance requirements and the Board adopts by reference and includes in this decision and order all such facts and, in particular, the conclusions in the staff report entitled "Staff Analysis and Conclusions" as if set forth herein.

THEREFORE, THE BOARD HEREBY GRANTS THE MINOR SPECIAL USE WITH THE CONDITIONS THAT MAY BE SET FORTH BELOW:

1. The proposed development shall be substantially consistent with the site plan submitted to the Board as part of the application.
2. The two, existing "cobra head" pole lights located along the eastern property line of the existing parking area shall be removed.

IN ADDITION, as indicated in Section 3.9.13 of the Unified Development Ordinance this permit will become null and void in the following cases:

1. If a site plan is not approved within 12 months of the date of permit approval.
2. Where an approved site plan or building permit expires.
3. Where a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
4. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs.

IN WITNESS WHEREOF, the Board of Adjustment of the City/County of Durham has caused this Minor Special Use Permit to be issued in its name, together with all conditions, as binding on the applicant, and their successors in interest.

An appeal of a Board of Adjustment action can be filed pursuant to procedures noted in the North Carolina General Statutes, Chapter 160A, Article 19, Part 3, Section 160A-388 or Chapter 153A, Article 18, Part 3, Section 153A-345 with Superior Court of Durham County within 30 days after the date this order is served on you.

Ordered this the 9th day of December, 2009.

Chairman

Staff Planner

Clerk

Date Mailed

Development Review Board - Case Action Form

Item No: 3.1

CASE SUMMARY		Meeting Date: 12/18/2009	
Project Name:	CROASDAILE PLAZA		
Application For:	MINOR SITE PLAN		
Location:	1821 HILLANDALE ROAD		
Applicant:	CENTRAL CAROLINA BK & TR CO HadenStanziale		
Case #:	D0900055	PIN: 0813-20-80-8085.L01 0813-08-80-8082.L01	
Project Scope:	103,000 SQUARE FOOT REDEVELOPMENT OF SHOPPING CENTER ON 9.38 ACRES		
Resource Person:	SHB	Zoning Dist. CC	Overlay Dist.

DRB MEMBERS:	Eligible to Vote	Present		M/S	Vote	
		Yes	No		Yes	No
Number Needed For Quorum: 6						
Bike/Ped Commission	<input checked="" type="checkbox"/>					
City/County Inspections	<input checked="" type="checkbox"/>					
City/County Planning	<input checked="" type="checkbox"/>					
City Engineering	<input checked="" type="checkbox"/>					
DOST Commission	<input checked="" type="checkbox"/>					
N.C. DOT	<input checked="" type="checkbox"/>					
Planning Commission	<input checked="" type="checkbox"/>					
S + E Control	<input checked="" type="checkbox"/>					
Transportation	<input checked="" type="checkbox"/>					
City Stormwater	<input checked="" type="checkbox"/>					
County Stormwater	<input type="checkbox"/>					

Action Taken:

Meeting Comments/Conditions
 1. Section 9.1.3A and B - Landscape Variation Request (10' landscape easement (15' required)) 2. Sect. 12.4.6 Alternative Sidewalk/Payment in Lieu 3. Sect. 10.3.1 Parking Reduction (10%) 4. Site Plan

UDO LANDSCAPE AND STREET TREE* VARIATION APPLICATION

Case D0.900055

Project Name: Croasdailé Plaza

Applicant: Glenwood Development Company

PIN 0813-20-80-7550 Tier: Urban

Proposed Use: Com / Area Shopping Center (Same as Existing)

Unified Development Ordinance Section 9.1.3 Variations

Sec. 9.1.3A states, "The approving authority may modify the buffer and landscape standards of this Article where:

1. There are special considerations of site design and/or topography.
2. The plantings or planting area would conflict with utilities, easements, or overhead power lines, or encroach upon City trees, as recommended by the Urban Forester.
3. Proposed street widening not provided by the developer will consume the landscaping area."

Section 9.1.3B states, "The approving authority may require alternative buffers or landscaping, including locations other than those typically required, when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards."

The applicant and the owner of the adjacent Describe requested buffer or landscape modification: property, marked number 14 on the "Existing Conditions" sheet (C-1.0) have agreed upon a 10' landscape easement within the property adjacent to the applicant's. The applicant requests that 10' of the required plantings that compose the 15' intense property boundary buffer be relocated into the 10' easement.

Describe proposed alternative plantings, as applicable: _____

The applicant is not proposing to alter the required plant species, count, or spacing required in the 15' intense project boundary buffer but are simply proposing to relocate 10' of planting into the adjacent landscape easement.

Reason(s)/justification for variation request per 9.1.3A1, 2 or 3, or 9.1.3B above:

The applicant requests this variation per 9.1.3A1 due to special considerations of the site design. The 10' landscape easement will allow the applicant to widen the drive aisle running along the western side of the proposed Grocery Store. This will provide more adequate truck turning radii for deliveries and access.
See attached paperwork.

***Please Use Page 2 for Street Tree Spacing Variation Request**

Landscape, Buffer or Street Tree Spacing Variation Request
Case D0.900055

Attach to this application any supporting documentation to be considered by the approving authority in their deliberation of this request.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.



Applicant Signature

11-10-09

Date

OFFICE USE ONLY

The City-County Planning Departmental Staff/DRB on _____, after reviewing this application and supporting documentation, has recommended approval of/approved/recommended denial of/denied a landscape variation. The variation, if approved, was for _____, based on _____.

The City-County Planning Departmental Staff/DRB on _____, after reviewing this application and supporting documentation, has approved/ deferred/ denied a street tree spacing variation request. The variation, if approved, was for _____, based on _____.

Required Conditions:

Planning Department Staff/
Clerk to the Development Review Board

Date

City Council/Board of Commissioners at their meeting on _____, after reviewing this application and supporting documentation, has approved/denied a landscape variation request. The variation, if approved, was for _____, based on _____.

Required Conditions:

Planning Director

Date

UDO ALTERNATIVE SIDEWALK/ PAYMENT IN LIEU APPLICATION

Unified Development Ordinance Section 12.4.3 – Alternate Requirement

A. A pedestrian walkway may be provided outside of the right-of-way when the approving authority determines the walkway will have the same functionality as the conventional sidewalk required in Sec. 12.4.2, Sidewalk Requirement.

B. A pedestrian walkway may be provided outside of the right-of-way with a reduced level of functionality when the approving authority determines that the construction of a conventional sidewalk within the right-of-way is impractical due to impending road widening or other physical limitations.

Unified Development Ordinance Section 12.4.6 - Payment-In-Lieu (City Only)

When the approving authority determines that the construction of a required conventional sidewalk or alternate walkway is unfeasible due to special circumstances, including but not limited to: impending road widening, significant street trees, or severe roadside conditions; the approving authority shall require either: (1) a payment-in-lieu of sidewalk construction; (2) construction of sidewalks in the general vicinity of the project site; or (3) a combination of a conventional sidewalk, alternate walkway, or payment-in-lieu.

Case D09 00055

Project Name: Croasdaile Plaza

Applicant: Evan Miller, Haden Stanziale / Stephen Vinson, Glenwood Development Co., LLC

PIN 0813-20-80-7550

Request may be for any combination of standard sidewalk and either or both of the following:

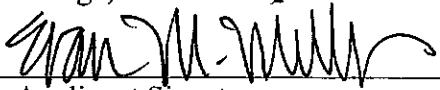
1. Alternative sidewalk in lieu of _____ feet of standard sidewalk.
2. Payment in lieu of 213 feet of standard sidewalk.

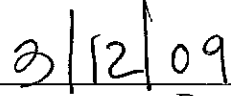
Reason(s) For Alternative Sidewalk / Payment In Lieu Request:

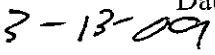
Applicant request payment in lieu of sidewalk along Front Street due to the lack of space to locate the walk. Existing 24" caliper oak, 23" caliper oak, 17" caliper oak and 10" caliper cherry tree with established root systems would be destroyed by the construction of the sidewalk. In addition, the existing bus stop does not allow for the required sidewalk width to be constructed outside of the right-of-way.

Attach to this application any supporting documentation to be considered by the approving authority in their deliberation of this request. Including but not limited to a written determination by the Public Works Department or NC DOT, as appropriate, that construction of sidewalk is not feasible.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


Applicant Signature


Date



OFFICE USE ONLY

The Planning Director/ Development Review Board at their meeting on _____ after reviewing this application and supporting documentation has approved/ deferred/ denied a request for alternative sidewalk in lieu of _____ feet of standard sidewalk and/or payment in lieu of _____ feet of standard sidewalk.

As part of the approval, the following conditions were attached:

Planning Staff/Clerk to the Development Review Board

Date

The City Council/Board of Commissioners at their meeting on _____ after reviewing this application and supporting documentation has approved/denied the a request for alternative sidewalk in lieu of _____ feet of standard sidewalk and/or payment in lieu of _____ feet of standard sidewalk.

As part of their motion, the following conditions were attached:

PARKING REDUCTION APPLICATION

Durham Unified Development Ordinance Section 10.3.1 Required Motorized Vehicle Parking

D. Modifications

The Development Review Board may reduce the required number of spaces by up to 20% if for reasons of topography, mixes of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this Article.

Case D04 - 00055

Project Name: Croasdaile Plaza

Applicant: Steve Vinson, Glendwood Development Company & Evan Miller, HadenStanziale

PIN 0813-20-80-7550

Total Number of Parking Spaces Required: 462

Total Number of Parking Spaces Proposed: 417


Percentage of Reduction Being Requested: 10%

Reason(s) For Reduction Request:

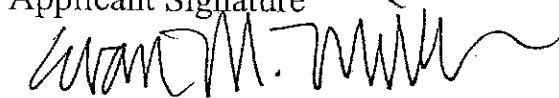
Please see back page of application.

Attach to this application any supporting documentation to be considered by the Durham Development Review Board in their deliberation of this request.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


Applicant Signature

3-11-09
Date


Co-Applicant Signature

3/12/09
Date

The Durham Development Review Board, at their meeting on _____, after reviewing this application and supporting documentation has approved/ deferred/ denied a parking space reduction request. The parking reduction if approved was for a total reduction of _____ spaces or _____ percent.

Clerk to the Development Review Board

Date

In accordance with Sec. 10.3.1 D of the UDO the applicant requests a 10% parking reduction for this project. Justifications for the request include proximity to transit and site access and availability by other modes of transportation. The site is and will be accessible by the North Gate Mall and North Pointe Road DATA bus route, a route already aimed toward retail and commercial oriented ridership. The redeveloped Croasdaile Plaza site will provide DATA riders direct access to their retail, grocery, and drug store needs. With the completion of the DOT widening of Hillandale Road, a new full bus pull off will stop directly in front of the center, a point that designers have paid close attention to when laying out the redevelopment by orienting outdoor plazas and pedestrian connections toward the road.

Additional discussions have been held with DOT to incorporate heightened safety measures for pedestrians wishing to cross from the eastern side of Hillandale Road to the plaza enabling a secondary means of access to the site outside of the automobile.

Also, measures have been taken on the west side of the site by including two mulch trails through the required buffers to allow the lunch time crowd from the office center behind the property to easily access the site without the need of their cars.

Finally, efforts in design to hide vast expanses of parking with multiple buildings oriented toward the street have also resulted in less than required parking fields. These goals to shield parking lots create a more appealing street edge but also tend to yield fewer spaces.

Development Review Board - Case Action Form

Item No: 3.2

CASE SUMMARY		Meeting Date: 12/18/2009			
Project Name:	FAMILY FARE - RE-DEVELOP ROXBORO RD BP				
Application For:	SIMPLIFIED SITE PLAN LARGE				
Location:	2209 NORTH ROXBORO STREET				
Applicant:	BARNES M L FOWLER INC M M				
Case #:	D0900099	PIN: 0832-09-25-4937 0832-09-25-4828			
Project Scope:	CONVENIENCE STORE WITH FUEL SALES WITH 3200SF BUILDING ON 1.1 ACRES ON SOUTHWEST CORNER OF E. CLUB AND N. ROXBORO				
Resource Person:	JMORRIS	Zoning Dist.		Overlay Dist. F/J-B	
DRB MEMBERS:	Eligible to Vote	Present		M/S	Vote
Number Needed For Quorum: 6		Yes	No		Yes No
Bike/Ped Commission	<input checked="" type="checkbox"/>				
City/County Inspections	<input checked="" type="checkbox"/>				
City/County Planning	<input checked="" type="checkbox"/>				
City Engineering	<input checked="" type="checkbox"/>				
DOST Commission	<input checked="" type="checkbox"/>				
N.C. DOT	<input checked="" type="checkbox"/>				
Planning Commission	<input checked="" type="checkbox"/>				
S + E Control	<input checked="" type="checkbox"/>				
Transportation	<input checked="" type="checkbox"/>				
City Stormwater	<input checked="" type="checkbox"/>				
County Stormwater	<input type="checkbox"/>				
Action Taken:					
Meeting Comments/Conditions					
1. Sect.10.4.4L action on proposed exception to requirement that bicycle parking space(s) be located no further from the front entry than the nearest non-ADA vehicle parking space. 2. Site Plan					

DURHAM DEVELOPMENT REVIEW
D0900099 Family Fare – Re-development of Roxboro Rd BP
LARGE SIMPLIFIED SITE PLAN
3.5 Review – December 2009

PLANNING

Jim Morris 560-4137 ext 225

12/15/09 3.5 review: (via PDF)

Holding Comment (until requirement satisfied):

1. Per UDO Section 10.4.4L, DRB is the approving authority for actions considering proposed exceptions to the requirement of bicycle parking spaces being located no further from the main entry than the nearest non-ADA vehicle parking space.

TRANSPORTATION

Bill Judge, P.E. 560-4366

12/04/09 3rd review:

1. The revised bicycle parking location does not comply with UDO Section 10.4.4.L, which requires the bicycle parking to be located no further from the building's main entrance than the closest motorized vehicle parking spaces (excluding designated handicap accessible spaces). *New comment due to plan revision by the applicant. Exceptions to this standard may only be approved by DRB considering site constraints. If the applicant intends to request an exception to this standard they should notify the case planner such that this item can be scheduled for consideration by DRB.*